

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

H. SUKEDA, et al

Serial No.:

10/674,401

Filed:

October 1, 2003

For:

METHOD OF LOADING AN APPLICATION PROGRAM INTO A SMART CARD, SMART CARD, METHOD OF LOADING SCRIPTS

INTO A SMART CARD, TERMINAL DEVICE CAPABLE OF

OPERATING WITH A SMART CARD, AND STORAGE MEDIUM

HOLDING AN APPLICATION PROGRAM

Group: 2876

Examiner:

S. Paik

## SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 June 17, 2004

Sir:

Attached is a Terminal Disclaimer submitted in an effort to place this application in condition for allowance.

Accordingly, early allowance of claims 1-21 is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 C.F.R. section 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (Case No. 501.39424CX2) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

Carl I. Brundidge

Registration No. 29,621

ANTONELLI, TERRY, STOUT & KRAUS, LLP

CIB/jdc 703/312-6600

PTO/SB/26 (08-03) Approved for use through 07/31/2006. OMB 0651-0031

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## TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Docket Number (Optional)

501.39424CX2

In re Application of: Hiroko SUKEDA, et al

Application No.: 10/674,401 Filed: October 1, 2003

For: METHOD OF LOADING AN APPLICATION PROGRAM INTO A SMART CARD, METHOD OF LOADING SCRIPTS INTO A SMART CARD, TERMINAL DEVICE CAPABLE OF OPERATING WITH A SMART CARD, AND STORAGE MEDIUM

HOLDING AN APPLICATI

The owner\*, <u>HITACHI, LTD.</u>, (As per the Assignment Recorded on Reel 011421 and Frame 0526) of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. <u>6,681,995</u>. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. The undersigned is an attorney or agent of record.

Check either box 1 or 2 below, if appropriate.

06/17/2004 Signature Date

Carl I. Brundidge, Reg. No. 29,621
Typed or printed name

7033126681

Telephone Number

Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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